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10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **OAKLAND DIVISION**

14 BYRON MCKNIGHT, JULIAN MENA,
15 TODD SCHREIBER, NATE COOLIDGE,
16 and ERNESTO MEJIA, individually and on
behalf of all others similarly situated,

17 Plaintiffs,

18 UBER TECHNOLOGIES, INC., a Delaware
19 Corporation, RAISIER, LLC, a Delaware
Limited Liability Company,

20 Defendants,
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Case No. 4:14-cv-5615-JST

The Honorable Jon S. Tigar, Presiding

**OBJECTOR GORDON MORGAN'S
AMENDED NOTICE OF APPEAL**

1 Notice is hereby given that class member/objector Gordon Morgan hereby amends his
2 Notice of Appeal (Dkt. 240) filed on September 30, 2021, which is currently docketed at the United
3 States Court of Appeals for the Ninth Circuit as Case No. 21-16625.

4 In addition to the already pending appeal from the Court's Order Granting in Part and
5 Denying in Part Plaintiffs' Motions for Attorney's Fees and Costs; Granting Objector Gordon
6 Morgan's Motion for Consideration of Expert Testimony entered on September 2, 2021 (ECF No.
7 236), and all opinions and orders that merge therein, including but not limited to the Court's June
8 26, 2021 Order (ECF No. 214) questioning whether it should "reconsider[] its prior orders of
9 preliminary or final approval" and its Order Granting Final Approval and Granting in Part and
10 Denying in Part Plaintiffs' Motion for Attorney's Fees, Costs, and Incentive Awards entered on
11 August 13, 2019 (ECF No. 189),¹ notice is hereby given that class member Gordon Morgan appeals
12 to the United States Court of Appeals for the Ninth Circuit from the Court's Final Judgment
13 entered on October 15, 2021 (ECF No. 249), and all opinions and orders that merge therein.
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20 ¹ As noted Morgan's initial notice of appeal, the August 13, 2019 Order was not final because, *inter*
21 *alia*, the Court expressly left undecided the issue of attorney's fees (which necessarily affects
22 settlement distribution under the terms of this settlement), and further disclaimed that it was a final
23 judgment by advising the parties to "submit a jointly proposed form of judgment if they wish to
24 have judgment entered at [that] time, rather than after the Court has determined an appropriate fee
25 award." ECF No. 189 at 13. Additionally, the Court's September 2, 2021 Order addressed
26 "objections that were not resolved by its prior order[.]" including objections relating to settlement
27 approval. ECF No. 236 at 3 n.2, 8-9. Further, the Court stated in its June 20, 2020 Order that it
28 "must now inquire into whether there is any remedy – other than reconsidering its prior orders of
preliminary or final approval – which will enable the Court to award attorney's fees." ECF No. 214
at 2. Pursuant to that order, Morgan urged reconsideration of the Court's settlement approval order.
ECF No. 216 at 3-5. The September 2, 2021 Order also overrules a prior finding in the August 13,
2019 Order that the coupon provision in the Class Action Fairness Act (28 U.S.C. § 1712) applies to
the settlement.

1 DATED: October 27, 2021

Respectfully submitted,

2 /s/ Robert W. Clore

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Certificate of Service

The undersigned certifies that today he filed the foregoing on ECF which will send electronic notification to all attorneys registered for ECF-filing.

DATED: October 27, 2021

/s/ Robert W. Clore

Robert W. Clore